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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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09/806,304

03/29/2001

Alain Brochez

BROC3001/JEK

6723

7590

03/28/2007

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EXAMINER

GARCIA, ERNESTO

ART UNIT

PAPER NUMBER

3679

| SHORTENED STATUTORY PERIOD OF RESPONSE | MAIL DATE | DELIVERY MODE |
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3 MONTHS

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

| | | | |
|------------------------------|--------------------------------------|---------------------------------------|--|
| Office Action Summary | Application No. 09/806,304 | Applicant(s) BROCHEZ, ALAIN | |
| | Examiner Ernesto Garcia | Art Unit 3679 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 March 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 36,39,54-57 and 59-65 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 59 is/are allowed.
- 6) ☒ Claim(s) 36,39,54-57 and 60-65 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 March 2007 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input checked="" type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on March 5, 2007 has been entered.

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Drawings

The drawings were received on March 5, 2007. These drawings are acceptable.

Specification

The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction

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of the following is required: the recitations "a first leg ... extending at an oblique angle relative to the second leg in a direction generally proximal to the corner portion" recited in claims 36 and 54-56, line 10-12, and the "third leg extending obliquely relative to the first" leg recited in claims 36 and 54-56, lines 13-14, lack proper antecedent basis in the specification.

Claim Objections

Claims 55, 56, and 62 are objected to because of the following informalities:

regarding claim 55, --side-- should be inserted after "frame" to be consistent with "frame side members" in lines 1-2, and "a panel" in line 17 should be --the panel-- recited in line 15;

regarding claim 56, "portions" in line 19 should be --portion--;

regarding claim 62, the first occurrence of "part" in line 5 should be --parts--, the second occurrence of "part" should be --piece--, and the second occurrence of "part" in line 7 should be --parts--. Appropriate correction is required. For purposes of examining the instant invention, the examiner has assumed these corrections have been made.

Claim Rejections - 35 USC § 112

Claims 36, 39, 54, 55, 56, 57, 60, and 62-65 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The

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claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Regarding claim 36 and 54-56, the recitation "a third leg extending obliquely relative to the first and second legs" in lines 13-14 is not supported by the written description. The drawings only provide support for the third leg 29 being obliquely only to the second leg 27 but not both the first leg 26 and the second leg 27. Page 11 in lines 1-2 merely provides support for the third leg linking the first leg and the second leg.

Regarding claim 39, 60, and 61, the claims depend from claim 36 and therefore do not comply with the written requirement.

Regarding claims 57 and 62-65, the claims depend from claim 56 and therefore do not comply with the written requirement.

Claims 36, 39, 54, 55, 56, 57, 60, and 62-65 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 36 and 54-56, the recitation "a third leg extending obliquely relative to the first and second legs" in lines 13-14 is misdescriptive or inaccurate.

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According to the drawings, the third leg cannot be obliquely to the first leg 26 since the triangle appears as a right-angle triangle.

Regarding claims 39, 60, and 61, the claims depend from claim 36 and therefore are indefinite.

Regarding claims 57 and 62-65, the claims depend from claim 56 and therefore are indefinite.

Claim Rejections - 35 USC § 102

Claim 36 is rejected under 35 U.S.C. 102(b) as being anticipated by Schulz, EP-835,978.

Regarding claim 36, Schulz discloses, in Figure 1, a corner joint comprising two frame side members **1,2**, and at least one corner piece **3**. The frame side members **1,2** have an attachment channel **A1** (see marked-up attachment) and mitered end portions **A2**. The at least one corner piece **3** has two insert parts **A3** joined at connecting ends to define a corner portion and positioned relative to one another at a predetermined angle (90 degrees). Each insert part **A3** is configured to be received by the mitered end portions of a respective one of the attachment channels **A1**. Each of the insert parts **A3** includes an end portion geometrically configured in the shape of a triangle having an

apex A4 directed along a longitudinal axis of the respective attachment channel A1. Each insert part A3 defines a second leg A5 arranged to be urged against an inner wall A6 of the respective attachment channel A1, a first leg A7 connecting at a first end with a first end of the second leg A5 forming the apex A4 and extending at an oblique angle relative to the second leg A5 in a direction generally proximal to the corner portion, and a third leg A8 extending obliquely relative to the first leg A7 and the second leg A5 in a direction generally proximal to the corner portion and connecting to the second leg A5.

Claim Rejections - 35 USC § 103

Claims 39 and 60 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schulz, EP-835,978, in view of Hustadt, DE-4305377.

Regarding claim 39, Schulz, as discussed discloses the longitudinal axis of the third leg A8 being canted inwardly towards the inner wall of the respective channel A1. However, Schulz fails to disclose the attachment channels include lip projections arranged along an outer surface thereof and being canted inwardly towards the inner wall of the respective attachment channel. Hustadt teaches, in Figure 3, attachment channels including lip projections 21,22, arranged along an outer surface of the respective channels 3,4 and being canted inwardly toward an inner wall of the respective attachment channel to make a permanent connection between the attachment channels and a corner piece. Therefore, as taught by Hustadt, it would

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have been obvious to one of ordinary skill in the art at the time the invention was made to replace the connection of Schulz with that of Hustadt such that the attachment channels include lip projection arranged along an outer surface of the channels and inwardly cant the lip projection toward the inner wall of the respective channel to make a permanent connection between the channels and the corner piece.

Regarding claim 60, Schulz discloses each of the insert parts **A3** includes at least one notch **A20**. However, Schulz fails to disclose a locking means defined along an outer wall of the respective channel and being a deformable lip projection extending at a predetermined angle from the outer wall of the respective attachment channel. Hustadt teaches, in Figure 3, a locking means **21, 22** defined along an outer wall of the respective channel and being a deformable lip projection extending at a predetermined angle from the outer wall of the respective attachment channel to make a permanent connection between attachment channels and a corner piece. Therefore, as taught by Hustadt, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide a deformable lip projection extending at a predetermined angle from the outer wall of the respective attachment channel to make a permanent connection between the attachment channels and the corner piece of Schulz as either a replacement connection or an additional connection.

Claim 61 is rejected under 35 U.S.C. 103(a) as being unpatentable over Schulz, EP-835,978, in view of Leopold, 4,530,195.

Regarding claim 61, Schulz, as discussed, discloses the triangular shape of the insert parts configured to urge filling compound towards an outer wall of the channels. However, Schulz fails to disclose a filling compound provided in the attachment channels. Leopold teaches, in Figures 5-7, 10, and 11, a filling compound (unreferenced) provided in attachment channels to stiffen the attachment channels. Therefore, as taught by Leopold, it would have been obvious to one of ordinary skill in the art at the time the invention was made to further provide a filling compound in the attachment channels to stiffen the channels.

Response to Arguments

Applicant's arguments with respect to claims 36, 39, 54-57, and 60-65 have been considered but are moot in view of the new ground(s) of rejection.

Allowable Subject Matter

Claim 59 is allowed.

The following is a statement of reasons for the indication of allowable subject matter:

regarding claim 59, the prior art of record does not disclose or suggest a corner joint comprising a side of each notch over which a free end of a lip projection is pressed in having a buckled shaped. The closes prior art, Ronnlund, EP-549,554, the French patent, FR-2,234,062, Bucci, 4,192,624, and the German patent, DE-19,700,604, disclose a notch without a buckled shape. There is no motivation, absent applicant's own disclosure, to modify the notch. Accordingly, the buckled shape realizes an efficient press-on effect.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ernesto Garcia whose telephone number is 571-272-7083. The examiner can normally be reached from 9:30-6:00PM. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel P. Stodola can be reached at 571-272-7087.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR.

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Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

E.G.

E.G.

March 23, 2007

Attachment: one marked-up page of Schulz, EP-835978



DANIEL P. STODOLA
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3800

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Schulz, EP-835978

